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Attorneys for Plaintiffs

(Additional counsel listed on next page)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

JUAN FLORES-MENDEZ, an individual and
TRACY GREENAMYER, an individual, on
behalf of classes of similarly situated
individuals,

Plaintiffs,

v.

ZOOSK, INC., a Delaware corporation,

Defendant.

Case No: 3:20-cv-04929-WHA

**PLAINTIFF'S NOTICE OF MOTION AND
MOTION FOR CLASS CERTIFICATION**

The Honorable William Alsup

Date: July 7, 2022

Time: 8:00 a.m.

Courtroom: 12, 19th Floor

1 **CROSNER LEGAL P.C.**

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10 **MORGAN & MORGAN**

11 **COMPLEX LITIGATION GROUP**

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15 Tampa, FL 33602

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NOTICE OF MOTION

TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT on July 7, 2022 at 8:00 a.m., or as soon thereafter as counsel may be heard, before the Honorable William Alsup, Courtroom 12, United States District Court for the Northern District of California, 450 Golden Gate Ave., San Francisco, California, Plaintiff will and hereby does move this Court, pursuant to Federal Rule of Civil Procedure 23, to grant Plaintiff's Motion for Class Certification in connection with the classes specified below under the following causes of action alleged in the Fourth Amended Complaint: (i) negligence; and (ii) violation of California's Unfair Competition Law ("UCL"), Cal. Bus. & Prof. Code § 17200, *et seq.*

I. Plaintiff's Proposed Class and Class Representative

A. Rule 23(b)(2): Declaratory Relief Class

Plaintiff moves to certify, under Rule 23(b)(2), her claim for declaratory relief on behalf of the Nationwide Class: **All individuals in the United States whose PII was compromised in the Data Breach announced by Zoosk on June 3, 2020.**

The proposed Class Representative for this class is Tracy Greenamyre.

B. Rule 23(b)(3): Monetary Relief Class

Plaintiff moves to certify, under Rule 23(b)(3), her claim for monetary relief on behalf of the Subscription Subclass: **All individuals in the United States whose PII was compromised in the Data Breach announced by Zoosk on June 3, 2020, who paid for subscriptions with Zoosk.**

The proposed Class Representative for this class is Tracy Greenamyre.

C. Rule 23(c)(4): Issue Certification Class

In the alternative, Plaintiff requests the Court certify issues for classwide determination under Rule 23(c)(4) to streamline the litigation for both classes if the Court does not certify the Declaratory Relief Class and/or the Monetary Relief Class.

D. Exclusions

Excluded from the Classes are Defendant, any entity in which Defendant or its successors have a controlling interest, and Defendant's officers, directors, legal representatives, successors,

1 subsidiaries, and assigns. Also excluded from all Classes are any judges, justices, or judicial
2 officers presiding over this matter, the members of their immediate families and judicial staff, and
3 Plaintiff's counsel.

4 **II. Plaintiff's Proposed Class Counsel**

5 Plaintiff also seeks the appointment of John Yanchunis, Ryan McGee, and Patrick Barthle
6 II of Morgan & Morgan, as well as Kiley Grombacher of Bradley/Grombacher, LLP.

7 Plaintiff bases her Motion for Class Certification on: Plaintiff's Notice of Motion and
8 Motion for Class Certification; Memorandum and Points of Authority in Support; Declarations of
9 John A. Yanchunis, Ryan J. McGee, Patrick A. Barthle II, Kiley L. Grombacher; the Fourth
10 Amended Complaint; the expert reports of Gary Olsen and Matthew Strebe; and all other records
11 and papers on file in this action and all other matters properly before the Court.

12
13 Dated: May 20, 2022

Respectfully submitted,

14 **BRADLEY/GROMBACHER, LLP**
15 **CROSNER LEGAL P.C**
16 **MORGAN & MORGAN**
COMPLEX LITIGATION GROUP

17 By: /s/ Kiley L. Grombacher

18 Marcus J. Bradley, Esq.

19 Kiley L. Grombacher, Esq.

Lirit A. King, Esq.

20 Zachary M. Crosner

21 Michael R. Crosner

John A. Yanchunis